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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,600	01/30/2002	Stuart Leitch	76971	8273

7590

03/05/2003

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EXAMINER

COLLINS, DOLORES R

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/060,600

Applicant(s)

LEITCH, STUART

Examiner

Dolores R. Collins

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/30/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-10 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Hoyle's Modern Encyclopedia of Card Games

Hoyle discloses on pages 338-339 the game of Klondike.

Regarding claim 1

Hoyle teaches:

- a method of playing a solitaire game played with conventional playing cards;
- a set of game pieces (cards) grouped into at least four groups (clubs, hearts, diamonds and spades), a second means of ordering the game pieces (cards) in each group (2 through Ace) and a third means of grouping the game pieces (cards) into two independent groups (red and black cards);

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- distributing the game pieces (cards) into a reserve area (starting area), a field area (area of game play) and a stock area (area for the pack of cards being used);
- moving the game pieces (cards) from the stock and reserve area into the field area such that the game pieces (cards) are ordered— consistent with the game of solitaire;

and

- moving the game pieces (cards) from the field area and stock area to the home area (area where the completes sets are placed).

Regarding claim 2

Hoyle teaches:

- groups with an equal number of game pieces (2 through Ace of each group - clubs, diamonds, spades and hearts).

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Regarding claim 3

Hoyle teaches:

- second means in each group ordered (2 through Ace).

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Regarding claim 4

- groups of the third means having equal numbers 26 red and 26 black cards).

Hoyle fails to explicitly teach that a board is provided in his game. It is however inherent in the game of Klondike solitaire that it is played on a surface which is adopted as the board of play. It would be obvious to use the surface upon which the game is played as the game board of play in this game.

Alternatively:

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyle's Modern Encyclopedia of Card Games in view of Chernowski, Jr.

Hoyle discloses on pages 338-339 the game of Klondike.

Regarding claim 1

Hoyle teaches:

- a method of playing a solitaire game played with conventional playing cards;
- a set of game pieces (cards) grouped into at least four groups (clubs, hearts, diamonds and spades), a ^{first means} second means of ordering the game pieces (cards) in each group (2 through Ace) and a third means of grouping the game pieces (cards) into two independent groups (red and black cards);

- distributing the game pieces (cards) into a reserve area (starting area), a field area (area of game play) and a stock area (area for the pack of cards being used);
 - moving the game pieces (cards) from the stock and reserve area into the field area such that the game pieces (cards) are ordered— consistent with the game of solitaire;
- and
- moving the game pieces (cards) from the field area and stock area to the home area (area where the completes sets are placed).

Regarding claim 2

Hoyle teaches:

- groups with an equal number of game pieces (2 through Ace of each group - clubs, diamonds, spades and hearts).

Regarding claim 3

Hoyle teaches:

- second means in each group ordered (2 through Ace).

Regarding claim 4

103

- groups of the third means having equal numbers 26 red and 26 black cards).

Hoyle fails to explicitly teach that a board is provided in his game.

Chernowski, Jr. discloses Card Game components and Method of Play.

Chernowski, Jr. teaches a game board with includes a reserve are (a draw pile), a field area (memory area), a home are (program card area) and a stock are (storage area) – see figure 1 & abstract.

It would have been obvious to include the game board of Chernowski, Jr. with the Klondike Solitaire game disclosed by Hoyle for a more structured game play area.

Allowable Subject Matter

Claims 5-10 are allowed.

The following is an examiner's statement of reasons for allowance: Patentability has been found because the prior art fails to suggest or show the combination as set forth in the independent claim 5 including 'at least one strategy piece for use with the plurality of game pieces to indicate whether an individual game piece is needed;' This requirement is not seen or fairly suggested by the prior art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kelly et al., Harper and Chernowski, Jr. are cited to show the state of art with respect to features of the claimed invention.

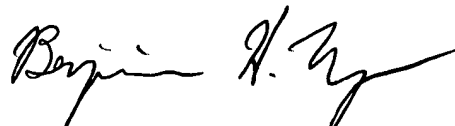
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dolores R. Collins** whose telephone number is **(703) 308-8352**. The examiner can normally be reached on 9:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **PAUL SEWELL** can be reached on **(703) 308-2126**. The fax phone numbers for the organization where this application or proceeding is assigned are **(703) 305-3579** for regular communications and **(703) 305-3579** for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 308-1148**.



February 11, 2003



Benjamin H. Layno
Primary Examiner